

IN SENATE OF THE UNITED STATES.

FEBRUARY 3, 1848.

Submitted, and ordered to be printed.

Mr. FELCH made the following

REPORT:

[To accompany bill S. No. 127.]

*The Committee on Pensions, to whom was referred the petition of Hugh W. Dobbin, an officer in the late war with Great Britain, praying arrearages of pension, report as follows :*

The petitioner entered the service as a lieutenant colonel, in command of the 18th regiment of detached militia of the State of New York, at the commencement of the war in 1812, and continued in that command, on the Niagara frontier, until the close of the year.

In the summer of 1813, he again entered the service, in command of a new regiment ordered out under General McClure, and continued on duty until about the close of that year.

In January, 1814, he was again ordered into service, and continued until the next April, when the detachment under his command was discharged.

In the summer of 1814, he was appointed colonel of one of the regiments of volunteers, and served in the Canadian campaign, under General Peter B. Porter, until the discharge of the troops in November.

The period of time embracing the service above mentioned, is signalized by the noble daring, brilliant deeds, and great sufferings of American soldiers on the northern frontier. The testimony in the case shows clearly that the petitioner was among the most faithful, energetic and valiant officers of the army. General Porter, under whose eye most of the services of the petitioner were performed, bears testimony to his merit in the following words: "I considered Colonel Dobbin, throughout the whole period of his services, as a brave, vigilant, patriotic, and, in every respect, meritorious officer; and such was the reputation which he universally sustained among those with whom he served.

"The military services on the Niagara frontier, and more particularly during the cold and wet seasons of the year, was of a na-

ture calculated to impair the health and undermine the constitutions of officers and men; and among those who suffered the ravages of disease, Colonel D. was, I apprehend, one of the greatest sufferers. During the campaign of 1814, which was one of extreme danger and severity, in every respect, Colonel Dobbin was laboring under rheumatic and other diseases, which he had evidently contracted during the preceding years of his service on the frontier. His health was often such as to prevent him from doing duty at all, and the dictates of prudence seemed to require that he should leave the camp altogether. But his patriotic zeal in the cause, and his unwillingness to leave his companies surrounded by difficulties and danger, induced him to continue to the end.

"I have only seen Colonel D. occasionally since the war; but from his own representations and appearance, as well as from information derived from his friends, I am satisfied that he has been and still is laboring under debility and disease, contracted during the war. When he entered the service, he was a farmer under thriving circumstances, with a family of small children, and, I learn with deep regret, that lately his pecuniary circumstances have become depressed, from want of the necessary health and vigor to manage his farm with success."

The certificates of many other officers, who were connected with the army on the northern borders—among them Generals Scott, Gaines, Jessup and McClure, and Major Barton—commend in high terms the uniform good conduct and meritorious services of the petitioner. He was engaged with his troops in the battles of Chippewa and Lundy's Lane, and, by his gallant conduct, merited and received the public approbation of his superior officers. In the defence of Fort Erie, although in bad health, he continued with his regiment and was gallantly engaged in all the conflicts which took place at and near that fort.

He was wounded in the battle of Lundy's Lane; and the evidence is abundant to show that his frequent exposures and great exertions impaired his health and shattered his constitution.

During a portion of the time while he was in the army, two of his sons were connected, as volunteers, with the same service, and faithfully and efficiently performed their respective duties. In the absence of the petitioner and his sons from home, his family was exposed to many hardships, and suffered much from sickness; his expenses were increased and his pecuniary means became impaired. He is now infirm and poor, with a large family depending upon him for support.

The committee are satisfied, from the testimony before them, that few applications for the aid of government can be supported by greater claims, founded on meritorious services for the country, or upon sacrifices and losses in public employment, than that of the memorialist.

The petitioner's name was placed on the roll of invalid pensioners on the 10th February, 1831, and he has received his pension for total disability to the present time. The committee are satisfied that the petitioner was not aware of the existence of a law under

which he could obtain a pension until about the time his name was entered on the list. He now asks for the same amount to which he would have been entitled if his application for a pension had been made immediately after the passage of the pension law of the 24th April, 1816.

Petitions for the allowance of arrearages of pensions have recently become frequent, and the importance, if practicable, of adopting some general principle in reference to their allowance or rejection is apparent. The laws in favor of Thomas Ball, in 1835; of Edward Nicholas, in 1836, and of James McFarland, in 1838, present instances of the grant of arrearages of pensions in cases similar, in their general features, to the case before us. Many cases are also found in which pensions have been granted, by special act, to persons not entitled to them under the general laws, and to whom arrearages are allowed. In numerous other cases, which have been the subject of investigation by Congress, applications similar to the petitioner's have been denied.

A principle cannot be admitted, in the opinion of the committee, which would sanction the granting of arrearages in all cases where the pensioner, through ignorance of the law, failed to apply at the earliest day for the boon to which its provisions entitled him; nor in cases of mere ordinary merit or sacrifices in the public service, on the part of the applicant. But where *extraordinary* bravery and *unusual* exertions in the performance of hazardous duties are proved; where the applicant has sacrificed his health and his property in the service of his country; where his services have been of eminent importance to the nation, and where to a life of energy and persevering industry has succeeded an old age, depressed with poverty, and rendered helpless by sickness and debility, occasioned by his public services, the committee respectfully submit whether such an application should be unheeded.

A bill is herewith reported granting the relief asked by the petitioner.

